IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION.

CRIMINAL WRIT PETITION NO.2098 OF 2004

Haryax Plastic Products Co.
Pvt.Ltd. & ors. : Petitioners.

versus

Devkiben Ramji Shah & Anr. : Respondents.

Mr.Piyush Shah for the petitioners.
Mr.A.M.Shringarpure, APP, for the State.

CORAM : D.G.DESHPANDE

DATED : MARCH 18, 2006.

P.C.

1. By this petition, the petitioners - original accused have challenged the order of issuance of process under Section 138 of the Negotiable Instruments Act. This Court, (Coram : Smt.V.K.Tahilramani,J), in the case of **V.K.Jain and others v/s. Pratap Padode and another**

reported in 2005(3) Mh.L.J. 778 held that the power of High Court under Section 482 of the Criminal Procedure Code should not be exercised when efficacious remedy of preferring revision before the Sessions Court against the order of issuing process is available to the applicants. Therefore, the petitioner/accused should approach the Sessions Court by preferring revision in respect of the order of the Magistrate issuing process. In this view of the matter, this petition is not maintainable. It is disposed of with liberty to the petitioners to approach the concerned Sessions Court within four weeks from today. Ad-interim relief to continue till then. Needless to say that the time spent in this petition will be taken into consideration by the Sessions Court while entertaining that revision.

[D.G.DESHPANDE]